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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 STEVEN JEROME EASLEY,

12 Petitioner,

13 v.

14 TYWANDA STRAIN/HALL, et al.,

15 Respondents.
16

No. 2:20-cv-0103-EFB P

ORDER

17 Petitioner is a county inmate without counsel. This action was opened when he filed a
18 document labeled both a “writ of habeas corpus” and a “federal civil complaint.” ECF No. 1 at 1,
19 12, 16. It is unclear whether he intends to proceed with this case as a habeas action pursuant to
20 28 U.S.C. § 2254 or as a civil rights action pursuant to 42 U.S.C. § 1983. Habeas petitions and
21 civil rights complaints provide exclusive vehicles for relief and may not be pursued concurrently
22 in a single action. *See Nettles v. Grounds*, 830 F.3d 922, 931 (9th Cir. 2016) (holding that if a
23 state prisoner’s claim would not necessarily lead to immediate or speedier release, it may not be
24 brought in habeas corpus but must be brought, if at all, under § 1983).


25 Accordingly, it is hereby ORDERED that:

- 26 1. The Clerk of the Court is directed to send petitioner the court’s forms for an
27 application for writ of habeas corpus and for a civil rights complaint pursuant to 42
28 U.S.C. § 1983.

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2. Petitioner shall file either a petition for writ of habeas corpus or a civil rights complaint within 30 days of the date of this order.
3. Failure to comply with this order may result in the dismissal of this action.

DATED: January 27, 2020.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE